



Missouri Courts Connection

Information for Missouri Court Personnel

Fall 2002

Volume 15 Issue 4

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This Newsletter is published quarterly by the Division of Court Services as an informational and educational service to state judicial personnel.

Readers are encouraged to offer comments and article ideas by contacting the Court Services Division at (573)751-4377, by fax at (573)751-5540, by E-mail at osca_newsletter@osca.state.mo.us or by writing to:

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Stephen N. Limbaugh, Jr., Chief Justice

Michael Buenger, State Courts Administrator

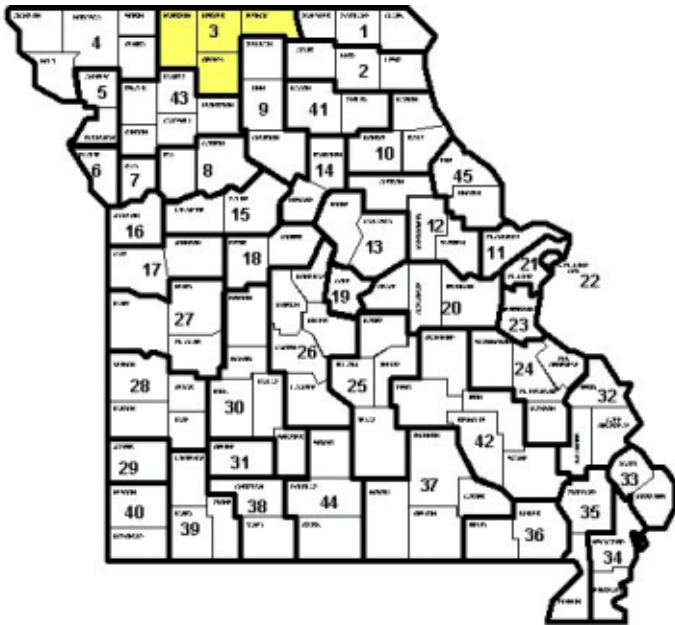
At an annual ceremony honoring service to Missouri and the state's judiciary, Supreme Court Chief Justice Stephen N. Limbaugh Jr. recognized the efforts of various legislators, judges and court staff. The ceremony was held September 13, 2002, as part of the annual meeting of the Missouri Judicial Conference in Kansas City, Missouri.

This year, Chief Justice Limbaugh presented a new award to recognize exemplary service to the judiciary and outstanding contributions to the administration of justice. The **Chief Justice Awards** honorees are selected by the chief justice with advice and consent of the other judges on the Supreme Court. Five judges and one court clerk received this inaugural award. **Circuit Judge Henry Autrey**, 22nd Circuit, was recognized for his solid work as a state judge. He now has been promoted to the federal bench. **Presiding Judge Frank Conley**, 13th Circuit, was honored for the respect he's earned during his 30 years as a trial judge and for his service in presiding over cases throughout the state as a special judge. **Judge Kathianne Crane**, Eastern District Court of Appeals, was recognized for her work on various judicial committees, most notably the judicial Redistricting Commission, on which she has served twice. **Associate Circuit Judge Roy Richter**, 12th Circuit, was honored for being a quintessential team player, serving on numerous judicial committees and piloting the automation program in his court. **Associate Circuit Judge Mary Sheffield**, 25th Circuit, also was recognized for being a quintessential team player and for her national service as president of the National College of Probate Judges. In addition, **Circuit Clerk Cheryl Whitmarsh**, Boone County, was honored for being a leader in implementing court automation both in her court and throughout the state, as she teaches other circuit clerks the benefits of the program.

The **Daniel J. O'Toole Award** was presented to the 14th and 19th Circuits. The award recognizes those circuits that demonstrate success in meeting or exceeding the established time standards as outlined in Court Operating Rule 17.

The Judicial Conference honored 11 individuals with **Special Recognition Awards** for outstanding legislative service. The awards were presented to **Governor Bob Holden**, **Senators Harry Wiggins**, 10th District, **David Klindt**, 12th District, **Ken Jacob**, 19th District, **Peter Kinder**, 27th District, and **Harold Caskey**, 31st District; **State Representatives Glenda Kelly**, 27th District, **Ralph Monaco**, 49th District, **Catherine Hanaway**, 87th District, and **Jason Crowell**, 158th District; and **Labor and Industrial Relations Commissioner David Klarich**.

Circuit 3 Profile



Geographic area:

Grundy County – 437 square miles
Harrison County – 725 square miles
Mercer County – 454 square miles
Putnam County – 520 square miles

Population:

Grundy County – 10,432
Harrison County – 8,850
Mercer County – 3,757
Putnam County – 5,223

Demographics:

Grundy County – Age: 0-19 = 26.9%; 20-44 = 28.8%;
 45-59 = 19%; 60-74 = 14.9%; 75+ = 10.8%
Harrison County – Age: 0-19 = 26.3%; 20-44 =
 28.5%; 45-59 = 17.6%; 60-74 = 15.8%; 75+ = 11.7%
Mercer County – Age: 0-19 = 25.1%; 20-44 = 29.20%;
 45-59 = 18.10%; 60-74 = 16.50%; 75+ = 11%
Putnam County – Age: 0-19 = 26.20%; 20-44 =
 28.10%; 45-59 = 20.10%; 60-74 = 15.20%; 75+ =
 10.40%

Presiding Judge: Andrew A. Krohn

Associate Judges:

Grundy County – Steven D. Hudson
Harrison County – Thomas R. Alley
Mercer County – J. Brad Funk
Putnam County – Jerri Bush

Circuit Clerk:

Grundy County – Beatrice Shaw
Harrison County – C. Sherece Eivins
Mercer County – Patricia Stamper
Putnam County – Mitzi Shipley

Juvenile Officer: Catheryn H. Smith

Number of Staff:

Clerical Staff – 17
Juvenile Staff – 5

Caseload: Total filings in FY01

Grundy County – 2,366
Harrison County – 5,353
Mercer County – 1,098
Putnam County – 1,028

Named After:

Grundy County – Felix Grundy, Tennessee senator
 and United States attorney general
Harrison County – Albert G. Harrison, Missouri
 congressman
Mercer County – John F. Mercer, a Revolutionary
 War general
Putnam County – Israel Putnam, a Revolutionary
 War general

Of Interest:

Grundy County – Crowder State Park, located in
 Grundy County, is a memorial to Major General
 Enoch H. Crowder, the Missourian who founded
 the nation's Selective Service System.
Harrison County – Organized in 1845, the county
 population was 24,398 by the year 1900. Harrison
 County is home to four state conservation areas
 including one wildlife area.

Circuit Profile

Of Interest continued...

Mercer County – Mercer County was organized on February 14, 1845, with the first circuit court held on September 15, 1845. Calamity Jane was born in Mercer County in 1862 and Calamity Jane Days are held on the 3rd weekend of every September.

Putnam County – Their three-story courthouse was dedicated November 11, 1924. The annual Festival of Trees is held the first Saturday in June. It is based on the historical trees planted on the courthouse lawn.

Presiding Judge Comments:

The Third Circuit is a rural agricultural circuit consisting of Harrison, Mercer, Putnam and Grundy Counties. The primary industry in our circuit is farming, in particular corporate hog farming through Premium Standard Farms (PSF). Premium Standard Farms employs approximately 2,400 people and has an annual payroll of \$69,000,000. PSF is the primary employer in this area.

The City of Bethany, in Harrison County, has been rated by the Department of Economic Development to have the highest economic pull factor in the State of Missouri. Trenton, located in Grundy County, is the home of North Central Community College, which has an enrollment for the fall of 2002 of 1,400 students.

Because of the lack of industry in the area the median income of a high percentage of our populas is below the poverty level. As a result, the manufacture and use of methamphetamine has rapidly grown in the last ten years, resulting in a majority of the felony cases filed being related to drug abuse.

As a consequence, the circuit is in the process of implementing an ambitious Drug Court Program, covering all four counties in the circuit. It is contemplated that the Drug Court will be conducted out of Mercer County, which is centrally located in the circuit. It is anticipated that Drug Court will become operational in the fall of 2003, after training has been completed by the Drug Court Team Members.

Committee on Courts and Community Collaboration

The Supreme Court has established a Committee on Courts and Community Collaboration with a goal to improve the administration of justice by enhancing the public's understanding of the functions of the court and the courts understanding of the needs of the public. The committee is to consider the following objectives in meeting this goal: educating the public as to the practices, procedures and limitation of the judicial system; develop initiatives that improve access to and public trust and confidence in the courts; encourage the establishment of both traditional and innovative programs to enhance interaction between the courts and their communities; promote problem-solving court programs through community collaboration and the use of community resources; and establish local strategies, curricula and training for judges to effectively implement collaborative programs.



The committee is composed of any Missouri judge wishing to be a member. As of October 24, 2002, the membership was comprised of the following: **Judges Jack Garrett**, 37th Circuit, chair; **Joan Burger**, 22nd Circuit, vice-chair; **Russell Steele**, 2nd Circuit; **Patrick Robb**, 5th Circuit; **Larry Harman**, 7th Circuit; **Stephen Nixon** and **Marco Roldan**, 16th Circuit; **Patricia Joyce**, 19th Circuit; **Thea Sherry**, 21st Circuit, **Donald McCullin**, **Mark Neill** and **Jim Sullivan**, 22nd Circuit; **Calvin Holden**, 31st Circuit; **Peter Statler**, 32nd Circuit; **John Moody**, 44th Circuit, and **Commissioner Robert Schieber**, 16th Circuit.

For further information regarding the committee, contact Linda Evans, Director, Division of Judicial Department Education, or Gary Waint, Director, Division of Juvenile and Adult Court Programs, at OSCA at (573) 751-43377, or Beth Riggert, Communications Counsel, Supreme Court, at (573) 751-4144, or by email at Linda_Evans@osca.state.mo.us, Gary_Waint@osca.state.mo.us or Beth_riggert@osca.sate.mo.us, respectively.

Fine Collection Center Update

The Fine Collection Center (FCC) now has 60 member counties. The most recent additions to the program are Linn County, which joined FCC on September 1, 2002, and Warren County, which joined FCC on October 1, 2002. New Madrid County will join December 1, 2002, Pike County will join FCC on January 1, 2003, and several other counties are currently considering membership.



FCC continues to test the electronic transfer of ticket data from the Missouri State Highway Patrol to FCC. The testing has identified several minor problems that are currently being resolved. FCC hopes to begin live operational testing of this new electronic case transfer capability later this year. Our testing has indicated that we will be able to transfer case information from the Patrol into the FCC database in one quarter (or less) of the time it currently takes to manually enter ticket data. This should allow FCC to increase its case processing capacity.

As of October 10, 2002, FCC has collected just over \$18 million in fines and costs for our member counties since beginning operation on July 1, 1999. During FY02, FCC processed 105,000 cases and collected \$6.8 million. FCC has processed 36,000 cases and collected \$2.3 million so far in FY03.

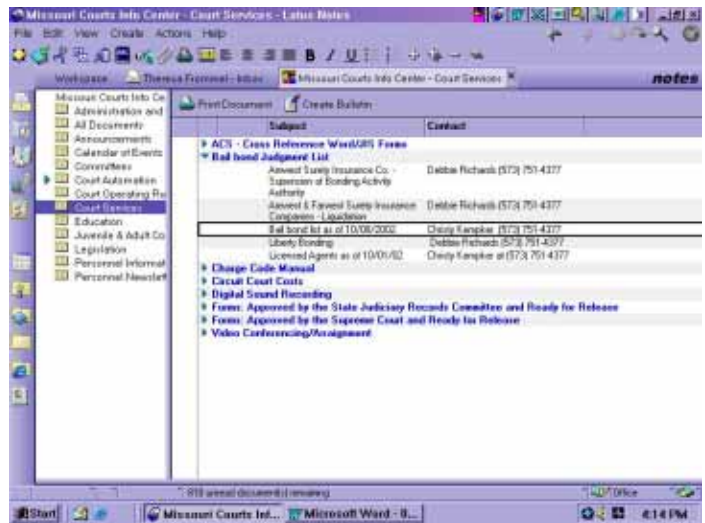
If you have any questions regarding the FCC program or how to become a member, contact Jack Morgan, Director, at (573) 522-2004 or toll free at (877) 866-3926 or by e-mail at Jack_H_Morgan@osca.state.mo.us.

Bail Bond Judgment Listing Changes Format

A list of unsatisfied judgments issued against bail bond agents is available on Lotus Notes in the Missouri Courts Information Center (MCIC). The list is provided as an Excel attachment. The Excel workbook contains five separate listings of bail bond judgment information including unsatisfied judgments, unsatisfied judgments with a company that is out of business, judgments under appeal, judgments that are set aside and recently satisfied judgments.

Notice of forfeiture of a bond must be reported to the Department of Insurance and the Office of State Courts Administrator. Court Services is working in conjunction with the Missouri Department of Insurance to ensure the list provided to the courts is accurate and easy to read. However, receiving the correct information is an important first step in the process. Form CR130 is available for reporting this information to OSCA and Department of Insurance. The top section of this form, along with the section titled "Notice of Bond Forfeiture Judgment" should be completed and submitted at the time of forfeiture. When the judgment is satisfied or set aside, indicate this by completing and submitting the bottom portion of the form titled "Notice of Satisfaction of Judgment."

Before accepting a bond, be sure that the information submitted by the surety is legible and contains an address for the general agent, as any



notice of forfeiture should not only be sent to the bail bond agent, but also to the surety or general bail bond agent. It is not uncommon for agents to change employment, and at the time of forfeiture, the agent may no longer be working for the general agent or surety. Ultimately, it is the general agent or surety who is responsible for taking care of the forfeiture, and if notice is only sent to the agent, the court cannot ensure that this information will be forwarded to the general agent or surety.

If you have any questions, please contact Christy Kempker at (573) 751-4377.

REVISIONS TO THE EMPLOYEE HANDBOOK/PERSONNEL SYSTEM

The Circuit Court Employee Handbook (and Court Operating Rule 7) was revised to include the following changes:

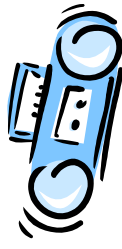
1. ShareLeave - Revised section 305.16 of the Employee Handbook to provide that appointments to the ShareLeave committees are indefinite rather than for three-year terms. In addition, the policy now provides a reference to the Missouri Courts Information Center (MCIC) the members and chairperson for each of the regional committees are posted.
2. Probationary Pay Increases - Revised section 303.03 of the Employee Handbook to clarify that probationary pay step increases cannot be effective retroactive prior to the month in which the paperwork from the appointing authority to authorize the increase is received by OSCA. This is a state regulation, not an OSCA regulation.

In addition, the job classes listed below were impacted by revisions to the personnel system. Job descriptions for these job classes are not in the Employee Handbook, however, they are in Court Operating Rule 7 (COR 7). Therefore, if you would like a copy of the job description for any of these or other job classes, please ask your appointing authority.

1. Accounting Supervisors - The Account Clerk III and the Accounting Supervisor I and II job classes were revised to allow them to be applied to the position responsible for overall accounting functions in a consolidated court, but does not necessarily have direct supervisory responsibilities. The size of the consolidated court will be a significant criteria for determining which job class is appropriate.
2. Court Program Specialist – Effective October 1, 2002 the Circuit Court Budget Committee approved the addition of the Court Program Specialist I, II, III and IV job classes (pay ranges 16, 19, 22 and 25, respectively). These job classes are available only to consolidated courts, including those that consolidated previously. Again, the size of the consolidated court will be a significant criteria for determining which job class is appropriate.

3. ADR Program Specialist - This job class was approved effective June 1, 2002 for circuit courts that are piloting Domestic Relations ADR (Alternative Dispute Resolution) projects.
4. Removed Job Classes - The following job classes were removed from COR 7: Data Processing Specialist, Data Processing Coordinator, Microcomputer Specialist and Assistant Computer Operator. These job classes were replaced by a series of computer information technology job classes that were previously added to the rule.

If you have any questions regarding the above revisions, please consult with your appointing authority, and those in St. Louis and Kansas City should consult with their local personnel officer.



SOUND RECORDING PROJECT

The Circuit Court Budget Committee (CCBC) has authorized funding this fiscal year for testing, cleaning, and repair of the courts' sound recording equipment. Data Comm has been awarded the contract for this project.

Funds will permit older analog systems -- those purchased prior to 2001-- to be serviced. Newer systems, systems covered by local maintenance agreements, machines not in active use (for example, those retained for backup purposes) and the FTR Gold Digital Court Recording Systems are **not** eligible for service under this contract. Funds are **not** available to fix machines requiring extensive repair.

A representative from Data Comm will be in contact with the courts to schedule service. Bills will be sent to the Office of State Courts Administrator.

If you have questions, please contact Linda Hope, Evaluation Specialist, (573) 751-4377 or Linda_Hope@osca.state.mo.us.

New Uniform Citation and Record of Conviction

Approved by the Supreme Court

On September 10, 2002, the Supreme Court issued an order that *effective January 1, 2003* repeals Form 37.A, entitled "Uniform Complaint and Summons" and Form 37.B, entitled "Record of Conviction" and adopts a new Form 37.A, entitled "Uniform Citation," and a new Form 37.B, entitled "Record of Conviction." A copy of order may be found at:

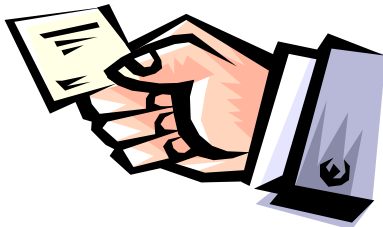
<http://www.osca.state.mo.us/sup/index.nsf/OrdersRules?OpenView>

Changes were made to the Uniform Citation to comply with revisions to Supreme Court Rules 21, 22 and 23 that become effective January 1, 2003. The revisions to the rules affect **felonies**, **misdemeanors** and **state** traffic violations. One of the major revisions to the rules is the requirement that the prosecutor file a probable cause statement with the information.

The Missouri State Highway Patrol, Department of Revenue, and Office of State Courts Administrator worked together to review and revise the Uniform Citation for submission to the State Judicial Records Committee and to the Supreme Court for approval.

As a safeguard, OSCA has asked the MSHP to alert law enforcement and municipal police clerks of the change to the Uniform Citation when requests are received for citation numbers for ordering additional supplies of the Uniform Citation. OSCA and the MSHP have also been working with vendors to alert them to the changes in the Uniform Citation

If you have any questions, please contact Catherine Zacharias, Sherri Paschal or Carrie Kirchner at (573) 751-4377.



Court Consolidation

The Circuit Court Budget Committee (CCBC) encourages courts to consolidate all court clerk staff under one appointing authority because, in most instances, consolidation results in greater efficiency, better use of available resources, and improved service.

Courts that agree to consolidate may apply to the CCBC for pay increases of one to two steps for each employee whose duties and responsibilities have been impacted by the consolidation, but whose assignments would not qualify the clerk for a position reclassification; reclassification to court program specialist for clerks who are assigned special responsibilities as a result of the consolidation; funding for expenses and equipment needed for the consolidation; and temporary assistance for special projects during the transition period, e.g., to set up a consolidated case filing system. If all counties in the circuit agree to consolidate, the Presiding Judge may apply for a court administrator position assigned to the circuit.

If you have questions, please contact Linda Hope, Evaluation Specialist, (573) 751-4377 or Linda_Hope@osca.state.mo.us.

FY02 Annual Report and Supplement

Preparation of the FY02 Annual Report and Supplement is in progress. The Annual Report provides a brief overview of the activities of the Office of State Courts Administrator during the fiscal year. The Supplement will contain more than 200 pages of statistics and data by circuit and county. OSCA staff will distribute hard copies of the Annual Report and Supplement in January 2003 to Supreme Court Judges and staff, Presiding Judges, Circuit Clerks, and Court Administrators. Court of Appeals Judges, Associate Judges, Circuit Judges, and Commissioners will receive a hard copy of the Annual Report. These materials will also be available in Adobe format on the OSCA web site at <http://www.osca.state.mo.us/>, Office of State Courts Administrator, Publications in January 2003.

If you have any questions, please contact Pierrette Bentivegna at Pierrette_Bentivegna@osca.state.mo.us or (573)-751-4377.

ASSISTANCE FROM EXPERIENCED STAFF

Reminder: Experienced staff may be available through the Resources of Experienced Professional Staff (REPS) Program or the Clerk Transfer Program to fill in for clerks who are on sick leave, vacation, compassionate leave, leave without pay, or attending training. (See eligibility requirements for temporary assistance under the Personnel Information view in MCIC). These staff may also be available for special projects.

REPS participants are former court employees with at least four years of experience who have applied to participate in the program. Evaluations received at the end of each assignment have been very positive, both from the employee and the court.

The Clerk Transfer Program provides mileage reimbursement for clerks who assist outside the county in which they are regularly employed. Clerks in positions budgeted at less than 40 hours per week may be paid for additional hours worked in another court, provided the court qualifies for assistance under funding guidelines established by the Circuit Court Budget Committee.

If you have questions, need assistance in locating a temporary employee, or are interested in working under the REPS or Clerk Transfer Program, please contact Linda Hope, Evaluation Specialist, (573) 751-4377 or Linda_Hope@osca.state.mo.us.

Clerical Weighted Work Load Steering Committee Research of Separate Weights for Complex Circuit Civil Cases and Metropolitan Areas

At its July 2002 meeting, the Circuit Court Budget Committee approved an addendum study for the Clerical Weighted Work Load (CWWL). The addendum study will allow the CWWL Steering Committee to conduct an additional time study and calculate a separate weight for complex circuit civil cases. In addition, the Steering Committee will also research how other states

calculate case weights for metropolitan areas. Dr. Karen Gottlieb was hired to assist the Steering Committee in this effort.

On September 7, 2002, an e-mail survey was sent to all circuit courts asking for input on what circuit civil case types they consider complex and the reasons why these cases are considered complex. Dr. Gottlieb spent the week of September 16, 2002, visiting St. Louis City, St. Louis County and St. Charles County courts reviewing case files and studying case processing procedures for complex circuit civil cases. The Office of State Courts Administrator (OSCA) and court staff are preparing to query JIS and metropolitan databases to determine the number of parties and docket entries on circuit civil cases. The Steering Committee will meet on November 14, 2002, to review the results of the e-mail survey and the site visits. The Committee will determine what case types will be considered complex. Select counties will conduct a study of time spent on various activities related to these complex circuit civil cases from January through April 2003.

Concurrently, a separate query was prepared and posted to the "court2court" list serve regarding case weights for metropolitan areas. The responses will be evaluated and summarized for the review of the Steering Committee.

The CWWL Steering Committee will review the results of the time study and make recommendations regarding the use of separate case weights for complex civil cases in metropolitan areas at a May or June 2003 meeting. The new weight(s) will be used in calculating the CWWL for FY05.

Additional information about the Clerical Weighted Work Load study and the Final Report to the CCBC can be found on Missouri Courts Information Center (MCIC), Administration and Budget, Clerical Weighted Workload. Please contact Pierrette Bentivegna at Pierrette_Bentivegna@osca.state.mo.us or (573)-751-4377, if you have any additional questions about this study.



Preparation for 2005 Clerical Weighted Work Load

The Clerical Weighted Work Load (CWWL) will be based on CALENDAR YEAR 2002 FILINGS. **Now** is the time to start reviewing the data for your county. The Statistics Section will begin running reports on February 1, 2003, for counties/locations using JIS and on March 1, 2003, for counties/locations using SWJIS. Here are helpful hints and suggestions for preparing your data before reports are run.

For counties/locations using JIS (formerly Banner)

1. Enter all your filings dated through December 31, 2002, as quickly as possible.
2. Run Filing by Case Type reports from January 1, 2002, through December 31, 2002.
3. Carefully review the reports to double check that everything was entered under the appropriate valid case type and filing location.
4. Clean-up any problems that you encounter. Some examples of problems we frequently see are:
 - case types and locations that don't match – Circuit felony case type F1 with an Associate court location,
 - cases filed with "Z" case types which are only used for reports,
 - for cases that are bound over or have a subcase or supplemental, make sure the subcase/supplemental has the appropriate case type – F2 is changed to F1; HO is changed to HP or HQ, DI is changed to DM, etc.
5. All children on Juvenile cases (except adoptions) should be entered as separate cases for accurate counting. For example, if you receive a petition for Abuse/Neglect with four children, you should enter each child as a separate case.
6. For probate cases, each minor on a minor's estate should be filed as a separate case and each adult on an incapacitated/disabled case should be filed separately (e.g. husband and wife, elderly brothers, etc.)
7. Each defendant on criminal cases should have a separate case and should not be listed as additional parties or subcases.
8. Rerun your reports to make sure everything has been cleaned up as appropriate.
9. Contact the OSCA Help Desk if you need assistance running reports or cleaning up your data.

For counties/locations using SWJIS

1. Submit all your filings dated through December 31, 2002, as quickly as possible.
2. Request a Filing by NOA report from the Statistics Section.
3. Carefully review the reports to double check that everything was entered under the appropriate valid case type/NOA and filing location.
4. Clean-up any problems that you encounter. An example of problems we frequently see are: case types and locations that do not match – Circuit felony case type with an Associate court location.
5. All children on Juvenile cases (except adoptions) should be counted as separate cases for accurate counting. For example, if you receive a petition for Abuse/Neglect with four children, you should report each child as a separate case.
6. For probate cases, each minor on a minor's estate should be filed as a separate case and each adult on an incapacitated/disabled case should be filed separately (e.g. husband and wife, elderly brothers, etc.)
7. Each defendant on criminal cases should have a separate case number and should not be listed as additional parties.
8. Request another copy of your reports to make sure everything has been cleaned up as appropriate.
9. Contact the OSCA Help Desk if you need to request a report or need assistance cleaning up your data.

For more information on preparing your data for the Clerical Weighted Work Load, please contact Pierrette Bentivegna by email at Pierrette_Bentivegna@osca.state.mo.us or by phone through the OSCA Help Desk toll-free at (888) 541-4894.

Appointments

Appellate Practice Committee

The new committee is appointed to solicit suggestions from judges, lawyers and the public as to methods of improving the appellate courts and explore methods that promote prompt and fair adjudication of cases; including using alternative dispute resolution, uniformity of practice, reduction in delay and expense, and increase the use of electronic transmission of documents. **Judge Lisa White Hardwick**, Western District Court of Appeals, is appointed member and chair. **Judges Nancy Rahmeyer**, Southern District Court of Appeals, and **Mary Rhodes Russell**, Eastern District Court of Appeals, are appointed members.

Case Management Committee

Judge Booker Shaw, 22nd Circuit, was appointed a member for a term ending on December 31, 2004.

Circuit Court Budget Committee

Judge John O'Malley, 16th Circuit, was appointed chair. **Judge Michael Calvin**, 22nd Circuit, was reappointed a member for a term ending on December 31, 2004.

Judge Nancy Schneider, 11th Circuit, was appointed a member for a term ending on December 31, 2004.

Presiding Judges' Executive Committee

Judge William Roberts, 27th Circuit, was appointed chair for a term ending on December 31, 2002. **Judge John Moody**, 44th Circuit, was appointed a member for a term ending on December 31, 2002.

Trial Judge Education Committee

Judge Nanette Baker, 22nd Circuit, was appointed a member for a term ending on June 30, 2003.

Effective January 1, 2003:

Case Management Committee

Judge James Hartenbach, 21st Circuit, was reappointed member and chair for a term ending on December 31, 2005. **Judges Jay Daugherty**, 16th Circuit, **Keith Marquart**, 5th Circuit, and **Mary Sheffield**, 25th Circuit were reappointed members for terms ending on December 31, 2005.

Family Court Committee

Judges Jane Pansing Brown, 7th Circuit, **Christine Sill-Rogers**, 16th Circuit, and **Thea Sherry**, 21st Circuit, were reappointed members for terms ending on December 31, 2005. **Judge Daniel Chadwick**, 43rd Circuit, was appointed a member for a term ending on December 31, 2005.

State Judicial Records Committee

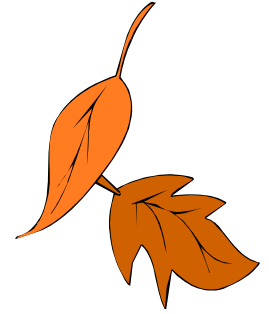
Judges Jimmie Edwards, 22nd Circuit, **John Grimm**, 32nd Circuit, **Patricia Joyce**, 19th Circuit, and **Paul Spinden**, Western District Court of Appeals, were reappointed members for terms ending on December 31, 2005.

Are Hung Juries a Flaw in Our Jury System?

National Center for State Courts Examines Causes and Effects of Hung Juries



Williamsburg, VA (Oct. 8, 2002) - An increase of hung juries in recent years raised concern about their impact on the courts and society and prompted a study by the National Center for State Courts. The four-year project, which was completed this month, explores the frequency and causes of hung juries, and outlines solutions. "Are Hung Juries a Problem?" is available at www.ncsconline.org/wc/publications/res_juries_hungjuriespub.pdf http://www.ncsconline.org/wc/publications/res_juries_hungjuriespub.pdf. This is the first such study of deadlocked juries, which are considered a social and monetary cost to the court system, to the involved parties, and ultimately to the community.



From their findings, National Center researchers conclude that implementing a non-unanimous verdict rule would significantly reduce the number of hung juries. Researchers cautioned, however, that this approach has flaws because it treats the symptoms of juror disagreement and not the causes.

With that in mind, they recommend better preparation and case selection by attorneys, improved methods to help jurors better understand the evidence and the law, and increased guidance for jurors about deliberations.

Researchers conducted the study using three methods:

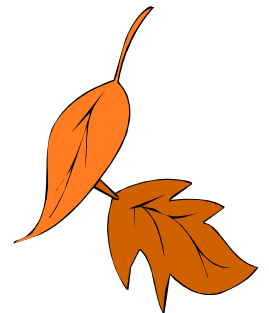
- ◆ a broad-based survey of hung jury rates in state and federal courts;
- ◆ a jurisdictional study of four courts on nearly 400 felony trials that compared juries that were able to agree on a verdict to juries that deadlocked on one or more charges; and
- ◆ a case study of hung juries from the jurisdictional study.



In the jurisdictional study, The National Center worked with four state courts - the Superior Court of Los Angeles County; the Superior Court of Arizona, Maricopa County; the Supreme Court of Bronx County; and the District of Columbia Superior Court - to collect information about felony jury trials. These sites were selected because of court characteristics, the court's willingness to participate, and because Los Angeles and Washington, D.C. experience relatively high rates of hung juries.

In examining the data, researchers found one or more of the following traits consistent in a hung jury compared to one that reaches a verdict:

- ◆ weak evidence,
- ◆ problematic deliberations; and
- ◆ jurors' perception of unfairness.



The National Center for State Courts, founded in 1971 by U.S. Supreme Court Justice Warren Burger, is dedicated to improving the administration of justice and provides leadership, research, technology, education and training to state courts. The National Center, headquartered in Williamsburg, Va., also has taken the lead on several key issues currently facing the justice system, such as the judicial selection process, public access to court records and pro se litigation.

For more information, please contact Lorri Montgomery, Communications Manager, The National Center for State Courts, (757) 259-1525 or by e-mail at lmontgomery@ncsc.dni.us.

An Update on Missouri's Juvenile Offender Classification System

Forty-three of Missouri's 45 juvenile courts have now received training on the Juvenile Offender Risk & Needs Assessment and Classification System. Thirty-two of the 35 multi-county juvenile offices are actively using the classification system, indicated by their monthly case count submissions. The eight, single-county juvenile offices that received training will soon be responding to a questionnaire designed to identify any issues associated with implementing the classification system and to determine the number of these circuits that are active users.

Exception reports were e-mailed to circuits on J-TRAC in October to give juvenile officers time to update records before the data is extracted in January of 2003 to produce the 4th Annual Classification Report.

If you would like additional information, please contact Rick McElfresh 573-522-8257 at Rick_McElfresh@osca.state.mo.us,

LAW DAY is May 1, 2003!

Mark your calendars now! It's time to start planning your celebration to help your community understand our legal system. The 2003 theme is ***"Independent Courts Protect our Liberties"*** and stresses the importance of courts and judges being free from political interference. Last year's events included courthouse tours in Jackson County and an "Adopt a Judge" program at Kansas City middle and high schools with judges speaking to students.



Download your **FREE** planning guide and resource catalog by logging on to www.lawday.org.

Two Courts to Pilot ADR Services in Family Law Related Cases

On August 24th, 1999, the Supreme Court established the Commission on Alternative Dispute Resolution (ADR) Services in Domestic Relations Cases. The purpose of the ADR Commission is to review and make recommendations for improvements or revisions in the areas of (1) availability, quality, and utilization of Court ADR programs and services, (2) statewide program coordination and support, and (3) standards, qualifications, and training of mediators. In order to continue this work, the ADR Commission, in collaboration with the Office of State Courts Administrator, developed a plan to establish two pilot project court sites. The pilot court sites will assess the impact of the use of ADR in Family Law related matters on courts, litigants, and other users of the justice system.

Six circuits responded to a statewide Request for Proposal (RFP) and in October, 2002, the ADR Commission selected the 45th Judicial Circuit and the 27th, 28th, and 30th Judicial Circuits (multi-circuit project) to serve as the pilot court project sites for ADR Services in Family Law Related Cases. Each award will be for a two-year period, with the start-up date to be determined in the near future. Funds for the project have been made available from the Domestic Relations Resolution Fund. Each project court site will be able to hire a full time ADR Program Specialist. In addition, each site will be eligible to receive up to a maximum of \$50,000 per the two-year award period for development, implementation, evaluation, and support of the project.

For additional information on the project or the work of the ADR Commission, please contact Norma Rahm, OSCA, at 573-751-4377 or Norma_Rahm@osca.state.mo.us.

Relay Missouri Service Provides Telephone Access

Relay Missouri is a telecommunications relay service available 24 hours a day, 7 days a week, providing full telephone accessibility to people who are deaf, hard of hearing, or speech disabled. Specially trained Communication Assistants (CA) complete all calls and stay on-line typing the spoken word over a text telephone (TT) for the person who is deaf, hard of hearing, or speech disabled and receiving typed text which is then spoken.

Voice users initiate calls to TTY users through **Relay Missouri** by dialing 711 (unless your phone is on a switching system) or 1-866-735-2460. You will hear, "Relay Missouri CA (number). How may I help you?" Give the CA the area code and



telephone number you wish to call and any further instructions. Be sure to talk at a moderate speed directly to the deaf or hard of hearing person, avoiding "tell him" or "tell her," and say "Go Ahead" at the end of each utterance.

TTY users initiate calls to parties who don't have a TTY by dialing 1-800-735-2966. Include this information on your correspondence if you do not have a TTY number for your office. For more information on this great service, check out the Relay Missouri website at www.relaymissouri.com.

Accommodating "Hidden" Disabilities

How does your court identify and accommodate employees, defendants, attorneys, witnesses, or jurors with "hidden" disabilities? The Americans with Disabilities Act also protects individuals with non-apparent disabilities such as a hearing impairment, cardiac condition, learning disability, cancer, diabetes, kidney disease, or psychiatric or seizure disorders.

Do your customer service methods help them feel more comfortable about asking for assistance? Have you posted a notice that accommodations will be provided for individuals with disabilities? (Contact the Access to Justice Program at 573-751-4377 to receive one.) Don't make assumptions about the person or their disability. Be open-minded and expect the unexpected. According to a recent survey conducted by the National Center for State Courts,

accommodations being made by some courts include:

- ◆ Modifying court schedules (for sleep apnea or chronic fatigue)
- ◆ Providing refrigeration for people to store medicine
- ◆ Allowing more frequent breaks or storing candy in the court (for diabetes)
- ◆ Modifying lighting (lighting sensitivities)
- ◆ Requesting people not wear perfume or aftershave (severe allergies)
- ◆ Limiting time on the stand (ADD & ADHD)

For more information on identifying and accommodating "hidden" disabilities, check out **Access to Justice** on the Missouri Courts Information Center (MCIC) on Lotus Notes under Juvenile & Adult Court Programs.

Two More Spanish Language Court Interpreters Receive Certification!

Cecilia Abbey (Kansas City) and **Gabriela Diaz-Cortez** (Columbia) passed the 3-part proficiency examination and received certification in court interpreting for the Spanish language. Remember that interpreting requires more than being bilingual. To ensure that proceedings reflect precisely what is said and that the non-English speaking person is on equal footing with those who understand English, **OSCA encourages you to use certified interpreters when available.**

Please encourage individuals that you

schedule for interpreting services to participate in this program. The complete list is located on the Missouri Courts Information Center (MCIC) on Lotus Notes under Juvenile & Adult Court Programs, Access to Justice, FOREIGN LANGUAGE: SCHEDULING & PAYING INTERPRETERS.

The next orientation will be November 16 & 17, 2002, and testing will be January 4 & 5, 2003. For more information, please contact Access to Justice staff at 573-751-4377.

Missouri's "Case.Net" Program Earns National Award

Case.Net, the unique computerized case management program used by various courts around the state, has earned a "Best of Breed" award from the Center for Digital Government, an internationally recognized think-tank of experts in the use of information technology at all levels of government. Case.Net was only one of four court programs selected for its enterprise-wide applications, innovation, standardization and integration.



Case.Net was honored for its ability to provide up-to-the-minute public case information from all the state's appellate courts and 22 of its 45 judicial circuits, as well as from the statewide Fine Collection Center. It opens the entire court process, permitting anyone with an Internet connection to access information directly from the courts' automated filing systems, at any time or at any place. Its newest feature permits attorneys to view their own court calendars and the judges' court calendars as well.

"Case.Net has helped Missouri courts better

serve the public by permitting the courts to communicate more effectively with the public," Missouri Supreme Court Chief Justice Stephen N. Limbaugh Jr. said. "We are proud to receive this award, which recognizes the hard work and foresight needed to develop the system. People now make about 2 million requests each month through Case.Net."

Case.Net is just a part of Missouri's ongoing effort to automate its court system and make justice more accessible and more efficient. Before a particular court's records can be made available through Case.Net, the court first must join the statewide case management system.

"We initially had to wait until the technology developed to meet our unique needs, but since then we have been moving to get courts online as quickly as possible," Missouri Court Automation Committee Chair Judge Clifford H. Ahrens, Eastern District Court of Appeals, said.

Although the original intent was to bring the remaining courts into the statewide case management system during the next few years, budget cuts have placed the plan on hold. One exception is the 16th Circuit, where Jackson County has decided to invest its own funds to bring its criminal and traffic court divisions into the statewide system. Its civil and probate court divisions already are on Case.Net. Currently, a team of Jackson County and state court automation program staff are planning the rollout of these additional divisions.

The Center for Digital Government is a national research and advisory institute providing government, industry and education leaders with decision support, research and educational resources to help them effectively incorporate new technologies in the 21st century. The Center's staff of experts selected these winning programs from more than 1,500 projects submitted by the 50 states in the Digital State Survey.

May 2002

- ◆ 9th Circuit goes live on JIS (Justice Information System)
- ◆ Fine Collection Center and 37th Circuit pilot JIS 4.1 Phase 1
- ◆ 2nd, 37th and 41st Circuits pilot Windows 2000 Migration
- ◆ Oregon, Wright, Douglas and Ozark Counties attended Jury Management System (JMS) training.
- ◆ Wayne, Lincoln, and Barry Counties sent questionnaires using JMS.
- ◆ New Madrid, Jefferson and Lawrence Counties completed jury trials using JMS.

June 2002

- ◆ 37th Circuit pilots JIS Juvenile Retrofit
- ◆ 32nd, 33rd and 35th Circuits receive Windows 2000 Migration
- ◆ Schuyler, Scotland, Clark, Knox and Lewis Counties attended Jury Management System (JMS) training.
- ◆ Clark, Webster and Wright Counties sent questionnaires using JMS.

July 2002

- ◆ 34th and 42nd Circuits receive Windows 2000 Migration
- ◆ Atchison, Nodaway, Worth, Gentry and Holt Counties attended Jury Management System (JMS) training.
- ◆ St. Francois, Wayne, Lincoln, Barry and Webster Counties completed jury trials using JMS.

August 2002

- ◆ 32nd, 35th, 33rd, 34th Circuits complete JIS 4.1 upgrade
- ◆ 12th and 13th Circuits receive Windows 2000 Migration
- ◆ Randolph, Howard, Chariton and Adair Counties attended Jury Management System (JMS) training.
- ◆ Dallas, Stone, Ozark, Schuyler, Scotland, Knox and Randolph Counties sent questionnaires using JMS.

September 2002

- ◆ 42nd, 12th, 16th Circuits complete JIS 4.1 upgrade
- ◆ 6th Circuit kickoff meeting for JIS Juvenile Retrofit
- ◆ 5th, 18th, 19th and 20th Circuits receive Windows 2000 Migration
- ◆ Cass, St. Clair, Bates, Henry and Johnson Counties attended Jury Management System (JMS) training.
- ◆ DeKalb, Livingston, Chariton and Adair Counties sent questionnaires using JMS.
- ◆ Pemiscot, Polk and Scotland completed jury trials using JMS.

October 2002

- ◆ 13th, 18th, 19th, and 20th Circuits complete JIS 4.1 upgrade
- ◆ 34th and 42nd Circuits implement JIS Juvenile Retrofit
- ◆ 6th, 8th, 14th and 15th Circuits receive Windows 2000 Migration
- ◆ Mississippi, Harrison, Mercer, Carroll, Grundy, Ste. Genevieve and Pulaski Counties attended Jury Management System (JMS) training.
- ◆ Putnam and Pike Counties have completed jury trials using JMS.

Juvenile Education

New Faculty Members join the Courtroom Skills Teaching Team

Judge Dennis Kehm, 23rd Judicial Circuit, and his teaching team have been busily preparing for the upcoming Courtroom Skills program that will be held December 2-3, 2002 at the Judicial Education Center, 121 Alameda Drive, in Jefferson City. The interactive course utilizes a three-member teaching team that includes a judge, an attorney and a juvenile officer. The unique mix of court personnel ensures participants receive a well-rounded exposure to courtroom decorum, practice and procedures, as well as perspectives from several regions of the state.

The teaching team members include: Judge Carol Bader, 23rd Circuit; Bill Lawson, Chief Juvenile Officer, 33rd Circuit; Becky Culler, Chief Juvenile Officer, 27th Circuit; Mary Marquez, Director of Legal Services, 16th Circuit; Phil McIntosh, Guardian Ad Litem, 2nd Circuit; and Judge Dennis Kehm. The six teaching team members will serve as faculty on a rotating basis after the December class.

For more information on this and other Juvenile Education programming, contact Sheila Barnett, 573-5226-8305 or Sheila_Barnett@osca.state.mo.us

Upcoming Courses and Programs in Juvenile/Detention Worker Education

November

Making the Write Impression

November 21, 2002

December

Courtroom Skills

December 2-3, 2003

January

First Aid/CPR Trainer Certification

January 8-10, 2003

Fundamental Skills for Good Probation Practice

January 27-31, 2003

For more information on this and other Juvenile Education programming, contact Sheila Barnett, 573-5226-8305 or Sheila_Barnett@osca.state.mo.us

Municipal Judge Education

Municipal Judge Bench Book Now Available On Line

The Municipal Judge Bench Book is now available from the OSCA Home Page. To access the Bench Book enter the address www.osca.state.mo > click on Judicial Education > in the left pane click on Judge Education > in the left pane click on the direct link to the Municipal Judge Bench Book.

For more information on this or other Municipal Judge education, contact Patricia Crockett, 573-522-1392, or Patricia_Crockett@osca.state.mo.us



Trial Judge Education

Judge Nannette Baker Appointed to Trial Judge Education Committee

St. Louis City Circuit Judge Nannette Baker was recently appointed to the Trial Judge Education Committee. Judge Baker has a diverse career that has included television broadcasting, serving as a United States District Judge law clerk, and trial attorney. In 1997, Judge Baker was appointed Chair of the Board of Election Commissioners for the City of St. Louis. She remained in that position until she was appointed Circuit Judge of the 22nd Judicial Circuit in November of 1999. Judge Baker currently serves as Chair of the Minorities in the Legal Professions Committee of the Bar Association of Metropolitan St. Louis, and a member of the Missouri Homeland Security Panel. She also volunteers as a mentor through the Mentor St. Louis program and Truancy Court Judge at Soldan High School in St. Louis. Judge Baker's diverse background and commitment to community will be a positive addition to the Trial Judge Education Committee.

Trial Judge Committee Members Recognized for Years of Service

Three of the Trial Judge Education Committee Members were recognized at the Fall Judicial College in Kansas City for their dedication to excellence in Judicial Education. The Honorable Jodie Capshaw Asel, Gerald McBeth, and Melvyn Wiesman have each served on the Trial Judge Education Committee for 10 years!

Trial Judge Education Committee - November Planning Meeting

The Trial Judge Education Committee has plans underway for the 2003 programs. The committee will meet in Jefferson City on November 21 & 22 to discuss progress on Judicial Orientation, Advanced Judicial Studies, Trial Skills, and the 2003 Judicial Colleges. Other topics slated for discussion are effective distribution and archiving of program materials for easy access by judges and alternative program delivery methods.

For more information on Trial Judge Education, please contact Garnett Matthews-Campbell, 573-522-8227 or Garnett_Matthews-Campbell@osca.state.mo.us



Clerk Education

Circuit Clerk Orientation

After the November elections, Judicial Department Education will send an invitation to all newly elected Circuit Clerks inviting them to attend the Circuit Clerk Orientation, January 13-17, 2003. During the orientation, participants will be taught how to use court resources and access information to effectively carry out the responsibilities of Circuit Clerk. Some of the programming includes experiential learning; problem solving real situations that other circuit clerks have experienced during their first few months in office.

Because newly elected Circuit Clerks come from different circumstances and with different needs, there will also be plenty of time built in for question and answer periods and networking. The orientation promises to be a thorough and valuable learning experience suitable for both the experienced court employee and for those who have never worked in a court.

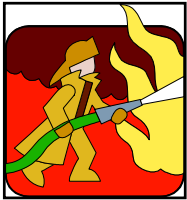
For more information on this or other Clerk Education programming, contact Joe Silsby, 573-526-7949, or at Joe_Silsby@osca.state.mo.us

Education Technology

Quote of the Quarter:

“I want to again express my appreciation for the JEWELS training resource. As I had told you, I had a former employee asking for a letter of reference and a copy of his training certificates while he was employed here. I was able to plug in his ssn and print out a copy of his resume of OSCA training. This was very helpful to me and saved me a lot of time.”

*Jeani Longstreth,
28 Circuit*



**Have You Run Out Of Ideas On How To Deal With Difficult People??
Get inspired by taking E-learning classes right in your own office!**

WHY should I take them?

One of the challenges of any job is dealing with people. The Soft Skill series "Managing and Working with Difficult People," offered via JEWELS, is designed to help professionals, managers, executives, and front-line workers improve workplace relationships. This 4-course series will teach you how to increase your ability to communicate effectively with difficult people. You'll discover how to determine whether someone truly is a difficult person, then learn how to apply coping techniques specific to the behavior that disturbs you. An overview of each course is given at the end of this article.

WHEN can I take them?

The courses can be taken via the Intranet while you are at work. The courses allow you to stop at anytime, and will even keep your place with a “book mark” so you can start the course where you left off. You choose the courses you want to take, and the order you want to take them!

HOW long do they take?

They are estimated to take 3 to 3.5 hours.

WHAT courses are available?

There are 22 Soft Skill courses available right now. This quarter we are featuring courses about dealing with difficult people.

WHERE can I find them?

The Soft Skill courses are offered via JEWELS (Judicial Ed Web Learning System).

- ◆ To access the Missouri Judiciary home page click on the following link.
<http://www.osca.state.mo.us/>
- ◆ When you get there, click on “Office of State Courts.”
- ◆ A new screen will appear that has each OSCA division’s name in a box.
- ◆ Click on the Judicial Education box.
- ◆ The Judicial Education home page will appear.
- ◆ Click on the JEWELS link to register for any of the e-learning courses.

For more information on this topic or other Education Technology programming, contact Kirk Arnold, 573-522-2478 or Kirk_Arnold@osca.state.mo.us

Managing and Working with Difficult People

Course Overviews

The Interpersonal Side of Conflict

Do you long for a work environment free of conflict? As a leader, do you prefer to work with people who agree with everything you say? Probably not. People naturally disagree on how and why to do things. Disagreements create interaction that can lead to new ideas and better solutions. In this course, you'll learn why conflicts occur more frequently in some situations than in others, and how you can adapt your management style to gain the most from these disagreements. You'll learn how conflict can be destructive, and strategies to keep conflicts from escalating. Finally, you'll receive information on self-management to reduce tension, increase trust, and improve productivity.

Difficult People in the Workplace

Do you grind your teeth in frustration each time you have to work closely with someone who drives you batty? Do you have to put up with difficult people at work on a regular basis? Has your physician told you that your blood pressure is at an all-time high? If you answered "yes" to any of these questions, it's probably time for you to learn to deal with difficult people at the office. This course will guide you in your journey to coping effectively with difficult people. You'll learn step-by-step methods and processes to help you identify difficult people to cope and communicate with them. With the help of this course, you'll no longer have to be frustrated or intimidated by difficult people.

Working with Aggressive People

Have you ever had one of those absolutely great days at work? Everything is going the way it should, you're on schedule, and you're getting to meetings on time. Then someone verbally attacks you or metaphorically stabs you in the back. Aggressive people are arguably the most difficult type of people to work with. Hostile-aggressive people openly antagonize people; passive-aggressive people work behind the scenes with hidden agendas. No matter which type of aggressive behavior you have to deal with, you've got your work cut out for you. That's where this course comes in handy. It details the characteristics of the six most common types of aggressive people and provides effective ways you can cope with their behaviors.

Managing a Violent Crisis

This course addresses what to do--and what not to do--when a violent crisis erupts in your workplace. The crisis may be a threat, or it may be assault and battery, a suicide attempt, or a hostage situation. Whatever the type of incident, this lesson will prepare you to deal with it--without making common mistakes that can just make it worse.

For more information on this topic or other Education Technology programming, contact Kirk Arnold, 573-522-2478 or Kirk_Arnold@osca.state.mo.us.

November

- 19** Court Clerk Education Committee Meeting
- 19** Juvenile Officer Regional Meeting
- 20** Juvenile Court Improvement Project Steering Committee Meeting
- 21** “Risk Management & Mitigation”
- 21-Dec 11** Drug enforcement at the Crossroad of America – A Six Part Series
- 21-22** Trial Judge Education Committee Meeting
- 22** Priority #1: Customer Service
- 22** Child Abuse/Neglect Standards Subcommittee
- 22** Coordinating Commission Meeting
- 28** **Holiday - Thanksgiving**
- 29** **Holiday – Day After Thanksgiving**

December

- 02-03** Courtroom Skills
- 03** Domestic Violence & Adult Abuse Case Processing Course
- 04** Dynamic Communication
- 05** Managing Conflict
- 05** Missouri Juvenile Justice Information Sharing Workgroup Meeting
- 06** From Chaos to Control
- 06** Family Court Committee Meeting
- 12** The Power of Personality in Your Work Group
- 13** The Qualities of Leadership
- 13** Circuit Court Budget Committee Meeting
- 17** Managing Conflict
- 18** From Chaos to Control
- 20** Juvenile Information Governance Commission Meeting
- 25** **Holiday - Christmas**

January

- 01** **Holiday – New Year’s Day**
- 08-10** First Aid/CPR for Detention Supervisors
- 09** Missouri Juvenile Justice Information Sharing Task Team Meeting
- 10** Municipal Judge Education Committee Meeting
- 10** Family Court Committee Meeting
- 10** Missouri Court Automation Committee Meeting
- 13-17** Circuit Clerk Orientation
- 17** State Judicial Records Committee Meeting
- 17** Alternative Dispute Resolution Commission Meeting
- 20** **Holiday – Martin Luther King, Jr. Day**
- 27-31** Fundamental Skills – probation
- 28** Supervision Foundations I

February

- 03-07** Fundamental Skills - Detention
- 11** Supervision Foundations II
- 12** **Holiday – Lincoln’s Birthday**
- 13** Case Management Installation Planning Committee Meeting
- 17** **Holiday – Washington’s Birthday (Observed)**
- 19-21** Child Abuse and Neglect Program

